

FACT SHEET

BACKGROUND. The Army continued its effort to keep the public informed concerning detainee operations, by releasing 988 pages of criminal investigations pursuant to a Freedom of Information Act litigation with the American Civil Liberties Union. The eight cases were provided to the Assistant U.S. Attorney, Southern District of New York for subsequent release to the ACLU. In all cases, final disposition has occurred, or the determination has been made that release of the information will not adversely affect pending law enforcement proceedings (including where appropriate, adjudication).

Facts:

- 1) Breakdown of cases:
 - 1 Natural Death
 - 7 Assaults or Maltreatment
- 2) All eight investigations are closed and where appropriate, final adjudication has taken place.
- 3) Five of the assault investigations have unfounded or insufficient evidence conclusions. Investigations may result in a finding of “insufficient evidence” for a variety of reasons, including the inability to identify, locate and/or interview the alleged victim(s), lack of physical evidence to substantiate claims of abuse or contradicting witness accounts of an alleged incident. Investigations are unfounded when the results of the investigation establish that a criminal offense did not occur. The Army’s Criminal Investigation Command stands prepared to reopen any investigation should additional information become available that warrants further investigative action. In fact, CID has done so on a number of occasions when new information or evidence has come to light.
- 4) Six soldiers received punishment in accordance with the Uniform Code of Military Justice (UCMJ). Two soldiers were disciplined using adverse administrative procedures.

The cases include an assault case where a Soldier states that abuse took place, but follow up with the alleged victim was not conducted due to the inability to reenter an area due to an extremely dangerous security situation.

Also included, an abuse case with a hand written statement from a detainee that details allegations of abuse – the finding of insufficient evidence in this case was based in part on a lack of corroborating evidence from the detainee’s routine in-processing medical examination.